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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (S) No.3269 of 2007

Petitioner

Vinod Tamboli, S/o. Late Shri Samela, aged about 48 years, occupation – Service, presently posted as Patwari at Patwari Halka No.8, Revenue Inspector Circle, Bilha, Tahsil – Bilha, Dist. Bilaspur, CG.

Versus

Respondents

1) The State of Chhattisgarh, through the Secretary, Department of Revenue, Mantralaya, D.K.S. Bhawan, Raipur, CG.

2) Collector, Bilaspur, CG.

3) Sub Divisional Officer (Revenue), Bilaspur, CG.

4) Shri Hemant Patanwar, occupation-Service, Patwari, posted as Patwari Halka No.14, Penderva, District – Bilaspur, CG.

5) Shri Vijay Bharat Sahu, S/o. Shri S.R. Sahu, aged about 33 years, occupation – Service, Patwari at Patwari Halka No.23, Tifra, Bilaspur, CG.

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present:

Shri Indrasen Sahu, counsel for the petitioner
Shri Ajay Dwivedi, Panel Lawyer for the State

ORAL ORDER
(Passed on 11th June, 2007)

Learned counsel appearing for the petitioner submits that the petitioner is working as Patwari in the Revenue Department. Vide order dated 30-6-2006 (Annexure P/1), petitioner was transferred from Patwari

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Halka No.47, Revenue Inspector Circle, Bilha, District Bilaspur to Patwari Halka No. 23, Tifra, District Bilaspur. The said order was challenged by one Shri Vijay Bharat Sahu who was working as Patwari at Patwari Halka No.23 at that point of time in Writ Petition (S) No.3381/2006 which was dismissed as withdrawn vide order dated 13-7-2006 (Annexure P/2). In the meantime, vide order dated 1-5-2007 (Annexure P/3) one Mr. Hemant Patanwar – respondent No.4 herein was transferred from Patwari Halka No.14, Pendaria to Patwari Halka No.23, Tifra.

2) According to learned counsel appearing for the petitioner, earlier order dated 30-6-2006 (Annexure P/1) was not given effect to the said order. The petitioner has not made any grievance for non-action on the part of the officers to give effect to the said order.

3) By this petition, the petitioner challenges the impugned order whereby and where under, the respondent No.4 has been posted at Patwari Halka No.23, Tifra. The petitioner is still working at Patwari Halka No.47, Revenue Inspector Circle, Bilha.

4) Be that as it may, this posting comes within the same Revenue Inspector Circle. The challenge of the learned counsel appearing for the petitioner on the ground that subsequent order dated 2007 (Annexure P/3) is contrary to the earlier order dated 30-6-2006 (Annexure P/1) which was passed by the State Government, at this stage, has no merit. The petitioner having availed the posting for about one year at Bilha, cannot question the subsequent posting of respondent No.4 at Patwari Halka No.23, Tifra whereby one Vijay Bharat Sahu working at Patwari Halka No.23, Tifra, has been transferred to Patwari Halka No.14, Pendaria.

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5) The contention of the petitioner deserves to be rejected on the ground that the employer is competent to post an employee/officer at any place in public interest and due to administrative exigency.

6) It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved mala fide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. The petitioner/employee cannot be permitted to remain at one place, forever by Court orders.

7) The petitioner has not made out any case for interference by this Court in the present transfer.

8) In view of the foregoing, there is no merit in the petition and the same deserves to be and is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Raju